

REMARKS

Reconsideration and allowance of claims 12-22 are requested in view of the foregoing amendments and the following remarks.

Applicant thanks the Examiner for conducting interviews with Applicant's representative on August 12, 2011 and September 6, 2011. During the interviews, amendments to clarify the steps of the method of claim 12 were discussed. In particular, the Examiner suggested amending claim 12 to explicitly recite a step of profiling a roadway. The Examiner indicated that if claim 12 were amended as shown above it would overcome the indefiniteness rejection and would be allowable over the art of record.

Rejection under 35 U.S.C. §112

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reciting "producing a resulting yaw moment (M_z), in determining a desired yaw rate from the information of an on-board device for profiling a roadway in a control unit." As shown above, claim 12 is amended to clarify its meaning by explicitly reciting a step of profiling a roadway and rearranging some of the phrases in the claim for clarity. In view of the amendments and the Examiner interviews, Applicant submits that claim 12 is definite.

Rejections under 35 U.S.C. §103

Claims 12, 13, 19, 21 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shibue et al (JP 11-011130) in view of Demerly (US 6,719,087).

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shibue in view of Demerly, and further in view of Mattson et al (US 7,143,864).

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shibue in view of Demerly, and further in view of Schülke et al (US 6,663,113).

Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed during the interviews, amended claim 12 is patentable over the prior art. More specifically, Shibue and Demerly do not teach or suggest “profiling a roadway by an on-board device.” Therefore, amended claim 12 is patentable over the combination of Shibue and Demerly.

Claims 13-22 are patentable due to their dependence from claim 12. Claims 15-18 are further patentable as indicated in the Office Action.

In view of the foregoing, Applicant submits that the application is in condition for allowance and such action is sincerely requested.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323, Docket No. 095309.58118US.

Respectfully submitted,

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